

SPECIAL AWARD CONDITIONS
ADVANCED TECHNOLOGY PROGRAM – SINGLE RECIPIENT or JOINT VENTURE
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
COOPERATIVE AGREEMENT NO. 70NANBXHXXX

(301) 975-XXXX

1. RECIPIENT ADMINISTRATOR CONTACT

The Recipient Administrator Contact's name, title, address, and telephone number are:

(Technical) XXXXXXXXXXXXXXXXXXXXXXXX
(XXX) XXX-XXXX

(Administrative) XXXXXXXXXXXXXXXXXXXXXXXX (XXX) XXX-XXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXX, XX XXXXX-XXXX

2. JOINT VENTURE PARTICIPANTS (if Joint Venture)

The organizations named below have been approved as joint venture participants to conduct research described in the Recipient's proposal or any approved amendment thereto, which is incorporated into this award:

- 1) Name, City, State
- 2) Name, City, State

Any changes to the composition of a joint venture, including the addition, substitution or deletion of a JV participant, must be approved in writing by the Grants Officer. No costs may be incurred by any new JV participant(s) prior to the NIST Grants Officer's written approval of the new joint venture and revised joint venture agreement.

3. GRANTS OFFICER

The Grants Officer's name, address, and telephone number are:

Marilyn J. Goldstein
National Institute of Standards and Technology
100 Bureau Drive, Bldg. 411, Room A-143, Mail Stop 3580
Gaithersburg, MD 20899-3580
(301) 975-6359

4. GRANTS SPECIALIST

The Grant Specialist's name, address, and telephone number are:

XXXXXXXXXXXXXXXXXXXXX
National Institute of Standards and Technology
100 Bureau Drive, Bldg. 411, Room A-143, Mail Stop 3580
Gaithersburg, MD 20899-3580
(301) 975-XXXX

5. PROGRAM OFFICERS

a. The Project Manager's name, address, and telephone number are:

XXXXXXXXXXXXXXXXXXXXX
National Institute of Standards and Technology
100 Bureau Drive, Bldg. 101, Mail Stop _____
Gaithersburg, MD 20899-XXXX

(If the Technical Specialist is the same as Project Manager, or no separate Technical Specialist is indicated on the 435, skip the designation for the Technical Specialist, below, and re-letter the Business Specialist below as "b." Otherwise indicate Technical Specialist or Technical Project Manager as indicated on the 435.

b. The Technical Specialist's name, address, and telephone number are:

XXXXXXXXXXXXXXXXXXXXX
National Institute of Standards and Technology
100 Bureau Drive, Bldg. 101, Mail Stop _____
Gaithersburg, MD 20899-XXXX
(301) 975-XXXX

c. The Business Specialist's name, address, and telephone number are:

XXXXXXXXXXXXXXXXXXXXX
National Institute of Standards and Technology
100 Bureau Drive, Bldg. 101, Mail Stop _____
Gaithersburg, MD 20899-XXXX
(301) 975-XXXX

6. PROJECT DESCRIPTION

All research shall be conducted in accordance with the Recipient's proposal dated XX/XX/XX, and all revisions/late documentation dated XX/XX/XX, including revised budget dated XX/XX/XX.

7. FUNDING LIMITATIONS

The scope of work and budget incorporated into this award cover a xxxxxx-year period (referred to as the "project period") for a total amount of \$xxxxxxxxxxxx in Federal funds. However, Federal funding available at this time is limited to \$xxxxxxx for the first year period from xx/xx/xx through xx/xx/xx (referred to as the "budget period"). The Grants Officer may require additional clarification to support the budget. If that results in changes to the budget or budget narrative, the Recipient shall submit, in writing, a revised budget and/or budget narrative to the Grants Officer for approval. Receipt of any funding beyond the first year up to the level projected under this award is contingent upon the availability of funds from Congress, satisfactory performance, and will be at the sole discretion of the National Institute of Standards and Technology (NIST). The Recipient may not obligate, incur any expenditure, nor engage in any activity that involves a commitment of Federal funds under this Agreement in excess of the Federal amount presently available. No legal liability exists or will result on the part of the Federal Government for payment of any portion of the remaining funds, which have not been made available under the award. If additional funds are not made available, any expenses incurred related to closeout activities must be funded from the amount already made available under this award. The notice of availability or non-availability of additional funding for the second and third year(s) will be made in

writing **by the Grants Officer**. Only the Grants Officer is authorized to obligate funds. No other verbal or written notice should be relied upon by the Recipient. In the absence of a written notice of additional funding, no assumption should be made by the Recipient that the funds will be forthcoming.

Projected budget amounts and periods:

Year 2: \$000,000 (From XX/XX/XX to XX/XX/XX)

Year 3: \$000,000 (From XX/XX/XX to XX/XX/XX)

Year 4: \$000,000 (From XX/XX/XX to XX/XX/XX)

Year 5: \$000,000 (From XX/XX/XX to XX/XX/XX)

8. COST SHARE

(For Single)

For the first year period, the cost sharing ratio (direct costs only) applicable to this award is the Recipient's contribution of XX.XX% (\$XXX) and NIST's contribution of XX.XX% (\$XXX).

(For Joint Venture and large company with 60% cost sharing requirements)

For the first year period, the cost sharing ratio (direct plus indirect) applicable to this award is the Recipient's contribution of XX.XX% (\$XXX) and NIST's contribution of XX.XX% (\$XXX).

The JV Administrator must ensure that the overall award cost share requirements are met throughout the award. Each JV participant is responsible for meeting or exceeding its cost share requirements in accordance with its approved budget.

9. AUTOMATED STANDARD APPLICATION FOR PAYMENT SYSTEM (ASAP)

a. This SAC amends the Department of Commerce Financial Assistance Standard Terms and Conditions, dated October 2001, Section A.02, Award Payments.

b. The advance method of payment shall be authorized unless otherwise specified in a special award condition.

c. Payments will be made through electronic funds transfers, using the Department of Treasury's Automated Standard Application for Payment (ASAP) system, and in accordance with the requirements of the Debt Collection Improvement Act of 1996. The following information is required when making withdrawals for this award: (1) ASAP account identification (id) = award number found on the cover sheet of this award; (2) Agency Location Code (ALC) = 13060001; and (3) Region Code = 01. Recipients do not need to submit a "Request for Advance or Reimbursement" (SF-270) for payments relating to this award. If you are not enrolled as an ASAP Recipient Organization you must complete the enrollment process with your Federal Reserve Bank, Regional Finance Center. Enrollment applications and information can be found at the following web site:

<http://www.fms.treas.gov/asap/handbook.html>

If you need a paper copy of the enrollment documentation please contact the Grant Specialist responsible for this award.

Advances taken through the ASAP shall be limited to the minimum amounts necessary to meet immediate disbursement needs.

Special Award Conditions/ATP-8/02

Advanced funds not disbursed in a timely manner must be promptly returned, via an ASAP credit, to the account from which the advanced funding was withdrawn. Advances shall be for periods not to exceed 30 days.

d. Funds that have been withdrawn through ASAP may be returned to ASAP via the Automated Clearing House (ACH) or via FEDWIRE. The ACH or FEDWIRE transaction can only be done by the Recipient's financial institution. Full or partial amounts of payments received by a Payment Requestor/Recipient Organization may be returned to ASAP. All funds returned to the ASAP system will be credited to the ASAP Suspense Account. The Suspense Account allows the Regional Financial Center to monitor returned items and ensure that funds are properly credited to the correct ASAP account.

Returned funds that cannot be identified and classified to an ASAP account will be dishonored and returned to the originating depository financial institution (ODFI).

It is essential that the Payment Requestor/Recipient Organization provide its financial institution with ASAP account information (ALC, Recipient ID and Account ID) to which the return is to be credited. Additional detailed information can be found at

<http://www.fms.treas.gov/asap/pay-return2.pdf>.

e. This award has the following control or withdraw limits set in ASAP:

 X None
 Agency Review required for all withdrawals (see explanation below)
 Agency Review required for all withdrawal requests over \$_____ (see explanation below)
 Maximum Draw Amount controls (see explanation below):
\$_____ each month
\$_____ each quarter
\$_____ each year

(For Joint Venture):

xx. FEDERAL TRADE COMMISSION (FTC) AND DEPARTMENT OF JUSTICE (DOJ) NOTIFICATION

The Recipient shall provide the NIST Grants Officer with a copy of the notification to the FTC and DOJ within 30 days of the date of award. The NIST Grants Officer must receive a copy of this notification prior to release of funds under this cooperative agreement, as prescribed by 15 CFR Sec. 295.24.

xx. GO/NO-GO DECISION POINT (will be inserted as needed)

The Recipient must provide to the ATP Project Manager in writing within 60 days of project start date, the key decision points for the project which evaluate technical progress made and link the project scope to the commercialization objectives.

xx. REQUIREMENTS OF INDIRECT COST RATE [if no indirect cost rate agreement provided]

Recipients, including large business single company and JV participants, who will be charging indirect costs or applying indirect costs as matching funds must have an approved indirect cost rate

from a cognizant Federal Agency. An indirect cost rate has not been established by a cognizant Federal Agency for _____ [insert company name(s)]. Therefore, an indirect cost rate proposal must be submitted **within 90 days** from the date of this award. (Please refer to the October 2001 Department of Commerce Financial Assistance Standard Terms and Conditions, Section A.05 for the indirect cost rate requirements.)

xx. REQUIREMENT OF ACCOUNTING SYSTEM CERTIFICATION (if a new recipient)

The Recipient, whether receiving Federal Funds or only providing matching funds, must have a functioning financial management system that meets the provisions of 15 CFR 14.21 to ensure proper accountability of funds. Therefore, _____ [insert company name(s)], must submit an **accounting system certification** issued by an Independent Certified Public Accountant (CPA) to the NIST Grants Officer within 90 days from the date of this award.

INCLUSION OF ADDITIONAL SPECIAL AWARD CONDITIONS ONLY AS REQUIRED:

xx. RESTRICTION ON USE OF VERTEBRATE ANIMALS

Based upon materials submitted by the Recipient and reviewed by the appropriate NIST officials, NIST has determined that the proposed research complies, as applicable, with the Animal Welfare Act as amended, and implementing regulations found at 7 USC 2131-2157, 9 CFR parts 1, 2, and 3. Therefore, the proposed research involving vertebrate animals is approved for

- Facility 1 - (company/vendor (Species))
- Facility 2 - (company/vendor (Species))
- Facility 3 - (company/vendor (Species))

which is (are) the only facility(ies) authorized to conduct research involving vertebrate animals under this award.

In order to continue research involving vertebrate animals, the Recipient must maintain the following valid, current approvals, and certifications.

Facility 1:

(Required)

Protocol # _____ (Protocol title and animal species)
Expiration date XX/XX/XX

(Select one of the following)

Animal Welfare Assurance # _____
Expiration Date XX/XX/XX

OR

USDA # _____
Expiration date XX/XX/XX
(Required)

AND/OR

(For research projects that only involve rodents, birds or fish)

AAALAC Certification # _____
Expiration date XX/XX/XX

Facility 2:

(Required)

Protocol# _____ (Protocol title and animal species)
Expiration date XX/XX/XX

(Select one of the following)

Animal Welfare Assurance # _____
Expiration Date XX/XX/XX

USDA # _____
Expiration date XX/XX/XX

OR

(For research projects that only involve rodents, birds or fish)

AAALAC Certification # _____ (species)
Expiration date XX/XX/XX

The Recipient shall provide documentation in evidence of the renewal of all approvals and certifications upon receipt from the IACUC and/or the cognizant certifying body, but in any case, no later than the expiration date shown above. The Recipient shall provide to the NIST Grants Officer documentation of continuing review of the ASP as it occurs.

The Recipient shall immediately inform the ATP Project Manager and NIST Grants Officer in writing of any proposed deviations from the procedures involving vertebrate animals approved by NIST during the project period, and submit documentation evidencing approval of the revised animal study proposal by the IACUC for NIST review.

For DEFERRAL

Research at (name of facility) involving (type of animal) is proposed for (specify anticipated timeframe). No work at this facility may be undertaken, conducted, or costs incurred and charged to this project, until the documentation identified in Term #20 of the August 2002 ATP General Terms and Conditions entitled "Care and Use of Vertebrate Animals" has been submitted by the Recipient and approved in writing by the Grants Officer

HUMAN SUBJECT

(Grants specialists please note that the regulation references and the appropriate clauses will be indicated in the ATP memo to the Grants Officer included in the award package.)

For EXEMPTION

XX. HUMAN SUBJECT EXEMPTIONS

Based upon review of the proposal and documentation dated XX/XX/XX and _____ XX, 2002, NIST has determined that the

involvement of human subjects in research identified in this project meets the criteria to qualify for an exemption under 15 CFR 27.101() (), Protection of Human Subjects, which states:

“ _____

_____”

(for subcontracting research, use following clause:)

This exemption applies exclusively to the use of (cell, blood, Cadaver...) in the approved research tasks undertaken by (name of the sub) under this cooperative agreement as referenced in the correspondence dated ____ XX, 2002 and ____ XX, 2002.

(for vendors, use the following clause:)

This exemption applies exclusively to the use of (cells, blood, cadaver...) obtained from (name of the vendor(s)) as referenced in the correspondence dated ____ XX, 2002 and ____ XX, 2002.

No other involvement of human subjects in research is authorized by NIST within this project.

If the conditions upon which this exemption is based change in any way, the Recipient must notify the Grants Office immediately in writing and obtain prior written approval from the Grants Officer before proceeding with any further research involving human subjects.

By accepting this award, the Recipient certifies to the accuracy of the documentation cited above.

For DEFERRAL

XX. DEFERRAL OF REVIEW OF USE OF HUMAN SUBJECTS

Based upon a review of the proposal and documentation dated ____ XX, 2002 and ____ XX, 2002, NIST has determined that the involvement of human subjects in research identified herein meets the criteria to qualify for a deferred review. This award is made in accordance with 15 CFR 27.118, which permits research that does not involve human subjects to proceed even though human subjects may be involved at a later stage during the project period. In accordance with the August 2002 ATP General Terms and Conditions #19, the Recipient must submit the following documentation prior to the _____ (yr/mo) of the project and prior to any research that may involve human subjects, to the ATP Project Manager for review and approval by appropriate NIST officials:

- a) Documentation establishing approval of the project by an Institutional Review Board qualified under 15 CFR 27.103, OR
- b) Documentation to support an exemption for the project pursuant to 15 CFR 27.101(b).

The documentation requirements are available on the ATP website at http://www.atp.nist.gov/atp/kit-02/has_guide/contents.htm outlined in the ATP booklet titled “Guidelines and Documentation

Requirements for Research Involving Human and Animal Subjects.” No involvement of human subjects in research may be undertaken or conducted, or costs involving human subjects research incurred or charged to the project, until the NIST Grants Officer’s approval of the above documentation is obtained in writing.

FOR FULL IRB REVIEW

XX. PROTECTION OF HUMAN SUBJECTS

The Recipient has satisfied the requirements set forth in the August 2002 ATP General Terms and Conditions, #19, related to the Protection of Human Subjects in research. Based upon the proposal and the Recipient’s information dated ____ X, 2002, the following specific involvement of human subjects in research is hereby approved by the Grants Officer.

Facility 1 (name of the company or university, hospital etc. if different from the Recipient, i.e. name of the facility where the IRB is located is different from the Facility where the research is taking place, which is often the case! Otherwise delete this line.)

- a) (Title and/or number of protocol approved by the IRB)
- b) IRB approval date: _____ X, 2002
- c) Assurance of compliance no. _____ for the IRB that approved the protocol

By accepting this award, the Recipient certifies to the accuracy of the documentation cited above.

An updated IRB approval is required each year per the renewal date assigned by the IRB and must be submitted to NIST for review and approval until the project is completed.

No other involvement of human subjects in research may be undertaken or conducted, or costs involving human subjects research incurred or charged to the project, except as specified in the study plan and the informed consent forms that were received and approved by the IRB.

If the conditions upon which the IRB approval is based should change in any way, the Recipient shall immediately notify the NIST Grants Officer in writing of the specific change, including the IRB’s written approval of the change, and shall obtain prior written approval from the NIST Grants Officer before proceeding with implementing any change.